

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Review Application No. 180/00003/2020
in
Original Application No. 180/00961/2018

Friday, this the 14th day of February, 2020

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

- 1. Bharat Sanchar Nigam Limited, represented by its The Chairman & Managing Director, Corporate Office, Bharath Sanchar Bhavan, Harish Chandar Mathur Lane, New Delhi – 110 011.
- 2. The Chief General Manager, Bharat Sanchar Nigam Limited, Kerala Circle, Thiruvananthapuram, Kerala.
- 3. The General Manager, BSNL, Sanchar Bhavan, Palakkad – 678 014.
- 4. The Deputy General Manager, BSNL, Sanchar Bhavan, Palakkad – 678 014. **Review Applicants**

(By Advocate : Mr. T.C. Krishna)

V e r s u s

Ambika K.K., W/o. Late Rajagopalan O, aged 53 years, residing at Odupura House, Kuttanassery PO, Thiruvazhiyode via Palakkad District, Kerala – 679 514. **Respondent**

O R D E R (In circulation)

By Hon'ble Mr. Ashish Kalia, Judicial Member-

This review application is filed by the respondents in the OA. The OA was filed by the applicant therein seeking following relief:

- “a. Quash Annexure A6 letter issued by the 5th respondent and Annexure A9 letter issued for the 4th respondent.
- b. Declare that the applicant herein is fully entitled to be reimbursed the entire amount of medical expenses sustained by her for the medical treatment of her deceased husband the late Rajagopal O, who was the employee under the 3rd respondent.

- c. Direct the respondents to sanction and disburse the entire medical expenses incurred by the applicant for the treatment of her deceased husband the late Rajagopal O at Lakeshore Hospital and Research Centre, Nettoor, Kochi, as per the medical bills submitted by her.
- d. To grant such other reliefs as may be prayed for and the court may deem fit to grant, and
- e. Grant the cost of this Original Application.”

2. This Tribunal after hearing the counsel appearing for the parties and perusing the records allowed the OA declaring that the applicant is entitled for reimbursement of the entire medical expenses incurred by her as her husband had enrolled himself under the scheme after retirement and directs the respondents to pay the entire amount so claimed after duly verifying it from the concerned hospital.

3. The apex court in *State of West Bengal & Ors. v. Kamal Sengupta & Anr.* - 2008 (2) SCC 735 has enumerated the principles to be followed by the Administrative Tribunals when it exercises the power of review of its own orders under Section 22(3)(f) of the Administrative Tribunals Act, 1985.

They are :

- “(i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 CPC.
- (ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.
- (iii) The expression “any other sufficient reason” appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.
- (iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).

(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.

(vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger Bench of the Tribunal or of a superior Court.

(vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

(viii) Mere discovery of a new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier.”

4. By the present Review Application the case put forth by the review applicants is for re-consideration of the factual circumstance of the case which is not envisaged in the principles for review of the order as enumerated by the apex court in the aforesited dictum. In short, the review applicants seek a re-hearing of the case which is not contemplated under the power of review envisaged under Section 22(3)(f) of the Administrative Tribunals Act, 1985. Further no error apparent on the face of the record could be established by the review applicants.

5. In the light of the above decision and in view of the facts and circumstances of this case, this Tribunal do not find any error apparent on the face of the record which would warrant review of Annexure RA1 order. Accordingly, the RA is dismissed.

**(ASHISH KALIA)
JUDICIAL MEMBER**

“SA”

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REVIEW APPLICANTS' ANNEXURE

Annexure RA-1— True copy of the order dated 3.1.2020 in OA No. 961/2018.

RESPONDENT'S ANNEXURES

Nil

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